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ROBINS & PASTERNAK LLP

1731 Embarcadero Road, Suite 230

Palo Alto, CA 94303

Telephone: 650-493-3400

Facsimile: 650-493-3440

Date: March 31, 2004
To: Examiner J. Brusca
USPTO, Art Unit 1631
Facsimile No. 1-703-872-9306
From: Dahna S. Pasternak
Re: USSN 09/706,243 (Atty Dkt. 8325-0002.10/S2-US3)
Message: Please see attached.

TO BE MADE OF OFFICIAL RECORD

Total number of pages, including this cover sheet: 18

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USSN: 09/706,243
Atty. Dkt. No.: 8325-0002.10
Client Dkt. No.: S2-US3

PATENT**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at (703) 872-9306 on March 31, 2004.

3/31/2004
Date

Michelle Hobson
Signature

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In Re Application of:

Examiner: J. Brusca

COX III et al.

Group Art Unit: 1631

Serial No.: 09/706,243

Confirmation No.: 6940

Filing Date: November 3, 2000

Customer No.: 20855

Title: REGULATION OF ENDOGENOUS
GENE EXPRESSION IN CELLS USING
ZINC FINGER PROTEINS

MAR 31 2004

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing, please find the following documents:

- X Copy of the Notice of Non-Compliant Amendment mailed March 25, 2004
(2 pages).
- X Amendment (13 pages).

USSN: 09/706,243
Atty. Dkt. No.: 8325-0002.10
Client Dkt. No.: S2-US3

The fee is calculated as follows:

	NO. OF CLAIMS	CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	68	- 68	0	x \$18.00	\$0
Independent Claims	7	- 7	0	x \$86.00	\$0
Multiple dependent claims not previously presented, add \$290.00					\$0
Total Amendment Fee					\$0
Petition for Extension of Time Fee					\$0
Small Entity Reduction (if applicable)					\$0
TOTAL FEE DUE					\$0

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: March 31, 2004

By: *D. Pasternak*
Dahna S. Pasternak
Attorney for Applicant
Registration No. 41,411

ROBINS & PASTERNAK LLP
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03/31/04 WED 15:02 FAX

002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09706,243	11/03/2000	George Norbert Cox III	019496-002220US	6940
23419 7590 03/25/2004				
COOLEY GODWARD, LLP				
3000 EL CAMINO REAL				
5 PALO ALTO SQUARE				
PALO ALTO, CA 94306				
			EXAMINER	
			BRUSCA, JOHN S	
			ART UNIT	PAPER NUMBER
			161	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

03/31/04 WED 15:03 FAX

003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. Box 1480
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www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/15/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPBT Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pat/dapp/opla/procnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

571-272-0518
Telephone No.

Rev. 10/03

USSN: 09/706,243
Atty. Dkt. No.: 8325-0002.10
Client Dkt. No.: S2-US3

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at (703) 872-9306 on **March 31, 2004**.

3/31/04
Date

Michelle Hobson
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Group Art Unit: 1631

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Customer No.: 20855

AMENDMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment is filed after the filing of a request for continued examination (RCE), filed on December 23, 2003 and a personal interview held on February 19, 2004. No fee is believed to be due with the filing of this paper.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 10 of this paper.